

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Cindrich et al.

SERIAL NO.: 10/567,051

I.A Number: PCT/US04/26109

I.A. FILING DATE: 08/12/2004

EXAMINER: TBD

FOR: Patch-like infusion device

The Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.47(a) and Statements of Facts

Pursuant to 37 C.F.R. § 1.47(a) and on behalf of inventors Cindrich, Sonderegger, Harding, Lastovich, and Vedrine, the undersigned requests the USPTO to accept the Oath and Declaration of the aforementioned inventors under 37 CFR 1.47, as inventor Glade Howell cannot be reached and/or refuses to sign.

A “*Notification of Missing Requirements under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US)*” was mailed by the USPTO on July 27, 2006. The missing part of the application was designated as the “*Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b) identifying the application by the international application number and international filing date*”. Therefore, the period for reply with a Four Month Extension of time extends to Saturday January 27, 2007. Thus this reply filed on Monday, January 29, 2007 is filed with a four month extension herewith. A Declaration and Power of Attorney for Patent Application fully executed by the all of the above-named inventors, except Mr. Howell, is submitted herewith.

Statement of Facts

- A Letter dated November 17, 2006 was mailed to Mr. Howell's last known address, at the direction of the undersigned. The letter included a Declaration, Power of Attorney, Assignment and a copy of the application, including the specification, claims and drawings. **No response was received.** (Copy of Cover Letter Enclosed Herewith)
- The last known address for Mr. Howell is:
 - 1202 East 11000, South; Sandy, Utah 84094
- The aforementioned Letter was sent via Overnight courier and was delivered to the address on November 20, 2006. (Shipping Document, Internal Mail Request, and Tracking Summary Enclosed Herewith)
- Upon learning of Mr. Howell's departure from Becton Dickinson and Company (BD) (the present Assignee of the Application), the undersigned attempted to reach Mark Crawford, who was an associate of Mr. Howell's while Mr. Howell was employed at BD. Mr. Crawford indicated that Mr. Howell was out of the country and had rented his residence. Mr. Crawford also indicated he had a contact e-mail for Mr. Howell, and would forward electronic copies of the documents to Mr. Howell.
- An e-mail dated December 21, 2006 was electronically sent to Mr. Crawford and subsequently electronically forwarded to Mr. Howell (Glade_Howell@yahoo.com) on the same day, with electronic copies of the aforementioned documents, a link to a published version of the international application, and instructions on S-signing documents. This e-mail was also forwarded to the undersigned. **No Response was received.**
- An e-mail dated January 22, 2007 was sent directly to Mr. Howell, with a chain of the previous two e-mails, also including electronic copies of the aforementioned documents, a link to a published version of the international application, and instructions on S-signing documents. (Copy Enclosed) **Again, no response was received.**
- A co-pending application (U.S. S/N 10/916,649) which has the same inventorship as the instant application contains an Oath and Declaration that was endorsed by Mr. Glade Howell., and furthermore claims priority to a common provisional application.

I certify that the statements set forth in this Statement of Facts are true and correct, except as to matters stated on information and belief, and as to such matters I certify as aforesaid that I believe the same to be true.

As set forth in such Statements of Fact, contact information for Mr. Howell was located, but refused to sign the Declaration, Power of Attorney and Assignment after several *bona fide* attempts were made to present to him for review and signature, a copy of the entire application (specification, including claims and drawings).

Accordingly, on behalf of other inventors under 37 C.F.R. §1.47(a), the undersigned requests the office to accept the Oath and Declaration as complete and accept the application as complete under the 35 U.S.C. 371.

Although applicant believes only a fee under 1.16(f) (\$130.00), Extensions of time for Four Months (\$1590.00) and a fee under 1.17(g) (\$200.00) is required, the Commissioner is hereby authorized to charge Deposit Account No. 02-1666 for any additional fees which may be required or credit any overpayment to Deposit Account No. 02-1666.

Respectfully submitted,

Dated: January 29, 2007

By: /Robert E. West Reg #48,030/
Robert E. West
Reg. No. 48,030
Agent for Applicants
(201) 847-6782

Becton, Dickinson and Company
1 Becton Drive
Franklin Lakes, NJ 07417-1880
(201) 847-6782

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Ursula M. Polignone
Legal Administrative Assistant
Phone: 201-847-5728
Fax: 201-847-5377

VIA OVERNIGHT MAIL

November 17, 2006

Mr. Glade Howell
1202 East 11000, South
Sandy, Utah 84094

Re: Patent Application Entitled:
"Patch-Like Infusion Device"
BD File Nos.: P-6244/C

Dear Mr. Howell:

Enclosed is a copy of the patent application relating to the subject invention that was filed on February 2, 2006 with the U.S. Patent and Trademark Office. Also enclosed you will find the following original documents for your signature in connection with that application:

1. Combined Declaration and Power of Attorney
2. Assignment

After you have properly executed the documents where indicated, kindly return the executed documents to me in the enclosed envelope as quickly as possible so that they can be filed with the USPTO. You may retain the copy of the application for your file.

Please note that the Assignment should be executed before a Notary Public. If you do not have access to a Notary Public, sign and date only page 2 of the Assignment.

Should you have any questions, do not hesitate to call me.

Sincerely yours,

Ursula M. Polignone for
ROBERT E. WEST
Patent Agent

REW:up
Enclosures
#116884



UPS Next Day Air[®]
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Shipping Document

See instructions on back. Call 1-800-PICK-UPS (800-742-5877) for additional information.

TRACKING NUMBER 1Z 058 546 22 1005 112 4

1 SHIPMENT FROM

SHIPPER'S UPS ACCOUNT NO.

REFERENCE NUMBER

P-6244C

NAME GLADE HOWELL **TELEPHONE**

COMPANY

STREET ADDRESS

1202 EAST 11000, SOUTH

CITY AND STATE SANDY, UTAH **ZIP CODE** 84094

2 EXTREMELY URGENT DELIVERY TO

NAME **TELEPHONE**

URSULA POLIGNONE (201) 847-5228

COMPANY

BD

STREET ADDRESS

1 BECTON DRIVE - MC089 ☐

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL)

FRANKLIN LAKES, NJ **ZIP CODE** 07417



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4		<input type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)		CHARGES \$
5		FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY		
6		<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.	\$
7		<input type="checkbox"/> INSURED VALUE Contents are automatically protected up to \$100. For insured value over \$100, see instructions.	\$	\$
8		<input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS Collecting tag to package.	\$	\$
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3 RECEIVERS / THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO. 058546 **EXPIRATION DATE** 1/1

THIRD PARTY'S COMPANY NAME BD

STREET ADDRESS 1 BECTON DRIVE

CITY AND STATE FRANKLIN LAKES, NJ **ZIP CODE** 07417

SHIPPER'S SIGNATURE X **DATE OF SHIPMENT** 1/1

0101911202609 11/00 W

BD Mail Service Request

Ship To:
Matter ID: P-6244/C

Name: Glade Howell

Address: 1202 East, 11000,

City: South Sandy,

State: Utah

Zip: 84094

Country:

Attention: Glade Howell

of Pieces: 1

Telephone Number:

From:

Sender's Name: Ursula M. Polignone for Robert West

Extension: 5728

Date Prepared: November 17, 2006

Mail Code Number: 089

Location: D418S

Dept. #: 3044

Business Unit: CORP

GENERAL LEDGER-BUSINESS CODE (This area must be filled out)

Company			Location				Cost Center				Account				Sub. Acct.					
2	2	0	1	0	2	7	3	0	4	4	7	7	5	5	0	0	0	0		

Ship Via: (Please check all appropriate boxes)
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Ground (Most cost effective... Please check instruction sheet for delivery times)

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058546 NOV 17, 2006 ACT WT 2.9 LBS #PK 1
 SERVICE 1DA BILL WT 3 LBS
 TRACKING# 1Z0585460150824683 ALL CURRENCY USD
 REF 1: U, POLIGNONE YB
 REF 2: 10273044770050

Special Instructions:

HANDLING CHARGE 0.00
 REFERENCE RATE CHARGES:
 DV 0.00 COD 0.00 RS 0.00
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 AH 0.00 NTFY 0.00 SP 0.00
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Tracking Summary

Tracking Numbers

Tracking Number: 1Z 058 546 01 5082 468 3
Type: Package
Status: **Delivered**
Delivered on: 11/20/2006
9:25 A.M.
Delivered to: SANDY, UT, US
Service Type: NEXT DAY AIR

Tracking results provided by UPS: 12/15/2006 2:49 P.M. EST (USA)

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> Fw: P-6244C Oath & Dec



Bob West/FLKS/BDX
01/22/2007 04:46 PM

To Glade_Howell@yahoo.com
cc Mark Crawford/SNDY/BDX@BDX
bcc
Subject Fw: P-6244C Oath & Dec

Glade:

I have yet to receive the signed copies of the attached documents.

Please execute the attached documents according to the instructions below and return to my attention.

If you have any questions please feel free to contact me.

Best Regards,
Bob



Robert E. West
Senior Patent Agent
Corporate Law Department
Becton, Dickinson and Company
1 Becton Drive, Mail Code 089
Franklin Lakes, NJ 07417
tel: 201.847.6782
voicemail: 800.288.9165 x6782
fax: 201.848.9228
web: www.bd.com
E-mail: Bob_West@bd.com

----- Forwarded by Bob West/FLKS/BDX on 01/22/2007 03:54 PM -----



Mark Crawford/SNDY/BDX
12/21/2006 12:33 PM

To Glade_Howell@yahoo.com
cc Bob West/FLKS/BDX@BDX
Subject Fw: P-6244C Oath & Dec

Glade,

Attached are the documents for your signature. Please following Bob's instructions. If at all possible please e-mail the signed documents back to Bob (bob_west@bd.com) by December 27.

Thanks for your cooperation.

Have a Merry Christmas.

Mark

----- Forwarded by Mark Crawford/SNDY/BDX on 12/21/2006 10:27 AM -----



Bob West/FLKS/BDX
12/21/2006 10:18 AM

To Mark Crawford/SNDY/BDX@BDX
cc
Subject P-6244C Oath & Dec

> Fw: P-6244C Oath & Dec

Mark:

Please forward to Glade.

Currently the only hard deadline is for the signed (either e-signed or hand signed) copy of the Declaration.

Glade, please sign the documents aattached.

Here are three options:

1. Print out and Sign in Ink both the Assignment and Declaration and Scan them back in and email back and mail the hard copies back too.
2. Print out and Sign in Ink just the Assignment and S-sign the Declaration; email back the declaration and scan and e-mail the assignment.
3. Print out and Sign in Ink just the Assignment and S-sign the Declaration; email back the declaration and mail the assignment when you return.

This application is the US National Stage of WO 2005/018703 available at:

<http://v3.espacenet.com/origdoc?DB=EPODOC&IDX=EP1654022&CY=ep&LG=en&RPN=WO2005018703&DOC=deb46d24db974e06c5833af4bc761ded94>


Rules for S-signing (the PDF has a text box in it already for entering a // signature and a text box for the date)

- 1) The S-signature must consist only of letters or Arabic numbers, or both, and appropriate spaces, commas, periods, apostrophes, or hyphens for punctuation.
- 2) The S-signature must be placed between forward slashes.
- 3) The person signing must insert his or her own signature.

I suggest **"/Glade Howell/"** and entering the date.

Thanks,
Bob

 DM5105LIBRARY-#114312-v1-P-6244_C_Declaration_and_Oath.pdf  DM5105LIBRARY-#116884-v1-P-6244_C_Ltr_to_Inventor.pdf

 DM5105LIBRARY-#114300-v1-P-6244_C_Assignment.pdf



Robert E. West
Senior Patent Agent
Corporate Law Department
Becton, Dickinson and Company
1 Becton Drive, Mail Code 089

> Fw: P-6244C Oath & Dec

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